

REMARKS

This response is submitted in response to the Final Office Action mailed July 15, 2003, to request reconsideration of the rejection of claims 1-3 and 22 as set forth therein. In the event the Examiner determines that the foregoing amendments do not place the case in condition for allowance, it is respectfully requested that the above amendments be entered to place the claims in better form for consideration on appeal.

In the Official Action, the Examiner rejects claims 1 and 22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,108,118 to Minamoto (hereinafter "Minamoto"). Furthermore, the Examiner rejects claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Minamoto.

In response, independent claims 1 and 22 have been amended to clarify their distinguishing features.

Independent claims 1 and 22 of the present application recite a movable plate including a first portion having a reflective-surface forming surface, on which a reflective surface is formed, and a second portion having an electric-element forming surface, on which an electric-element is mounted. The reflective-surface forming surface of the first portion is **smaller** than the electric-element forming surface of the second portion. This results in a decrease in the moment of inertia of the whole movable plate which makes it possible to provide an optical deflector with an improved drive efficiency while maintaining optical performance, benefits which are not realized by the prior art, including Minamoto.

In contrast, Minamoto teaches in Figures 2A and 2B, a reflective-surface forming surface (a mirror 106) which is one of the surfaces of the movable portion (movable plate 101) and which is the **same size** as the electric-element forming surface (a portion of the elastic member 102). Thus, the structure of Minamoto is different from that disclosed in the

present application. Furthermore, Minamoto teaches means for detecting the position of the movable plate with accuracy (i.e., arranging a Hall element on the movable plate). However, Minamoto does not teach or suggest means for decreasing the moment of inertia of the whole movable plate.

Independent claims 1 and 22 have been amended to emphasize these distinguishing features. The amendment to claims 1 and 22 are fully supported in the original disclosure, particularly in the Drawings at Figures 1 and 2. Thus, no new matter has been entered by way of the present amendment to claims 1 and 22.

With regard to claims 2 and 3, the same recite that the reflective-surface forming surface of the first portion has an elliptical shape (claim 2) or a dodecagonal shape (claim 3). Since a light beam having a round section enters the reflective-surface forming surface at an angle, a spot of the light beam incident on the reflective-surface forming surface has an elliptical shape. Therefore, the present invention as recited in claims 2 and 3 provides the advantage of improving the drive efficiency of an optical deflector while maintaining the high performance within the structure related to claims 2 and 3, and the structure of the reflective-surface forming surface being reflective substantially throughout (as recited in claim 1). JP 10-62709 (Cited by Applicants) discloses an entire movable part having an elliptical shape. However, the same does not disclose or suggest a structure for decreasing the moment of inertia of the whole movable part as is recited in independent claims 1 and 22.

With regard to the rejection of claims 1 and 22 under 35 U.S.C. § 102(b), a mirror rocking member for an optical deflector having the features described above and as recited in amended independent claims 1 and 22, is nowhere disclosed in Minamoto. Since it has been decided that “anticipation requires the presence in a single prior art reference,

disclosure of each and every element of the claimed invention, arranged as in the claim,”¹ independent claims 1 and 22 are not anticipated by Minamoto. Accordingly, independent claims 1 and 22 patentably distinguish over Minamoto and are allowable. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1 and 22 under 35 U.S.C. § 102(b).

With regard to claims 2 and 3, since independent claim 1 patentably distinguishes over the prior art and is allowable, claims 2 and 3 are allowable therewith because they depend from an allowable base claim.

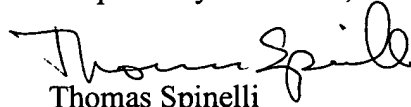
In other words, Independent claim 1, as amended, is not rendered obvious by the cited reference because the Minamoto patent, whether taken alone or in combination with the level of skill of an ordinary artisan, does not teach or suggest an optical deflector having the features described above. Accordingly, claim 1, as amended, patentably distinguishes over the prior art and is allowable. Claims 2 and 3, being dependent upon claim 1 are thus allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 2 and 3 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone

¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

conference with Applicant's attorneys would be advantageous to the disposition of this case,
the Examiner is requested to telephone the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas Spinelli". The signature is fluid and cursive, with the first name "Thomas" and last name "Spinelli" clearly distinguishable.

Thomas Spinelli

Registration No.: 39,533

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343
TS:cm